

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

v.

Case No. 23-cr-69-wmc

ERIC UPCHURCH,

Defendant.

ORDER OF FORFEITURE – MONEY JUDGMENT

Based upon the motion of the United States, the Court finds that:

1. On July 19, 2023, a federal grand jury sitting in Madison, Wisconsin returned an indictment against Eric Upchurch (defendant). ECF. No. 1.
2. On April 3, 2024, a federal grand jury sitting in Madison, Wisconsin returned a superseding indictment against Eric Upchurch. Counts 1-5 of the superseding indictment charged the defendant with wire fraud in violation of 18 U.S.C. § 1343. Counts 6-11 charged the defendant with making or using false writing and documents in violation of 18 U.S.C. § 1001(a)(3). Count 12 charged the defendant with engaging in monetary transactions in property derived from a specified unlawful activity, that is wire fraud, in violation of 18 U.S.C. § 1343 and all in violation of 18 U.S.C. § 1957(a). ECF. No. 22.
3. On June 13, 2024, a jury in the Western District of Wisconsin found the defendant guilty on Counts 1-12 of the superseding indictment. ECF. No. 96.

4. Also on June 13, 2024, the parties stipulated to a forfeiture in the amount of \$406,211.00 in United States Currency. ECF. No. 95.

5. The United States has not, as of this date, identified specific assets that were derived from the offense of which the defendant has been convicted, nor has the United States identified any property of the defendant that could be forfeited as a substitute asset in accordance with 21 U.S.C. § 853(p).

6. The United States seeks the entry of an Order of Forfeiture consisting of a personal money judgment against defendant Eric Upchurch in the amount of \$406,211.00. The \$406,211.00 is the amount of proceeds obtained as a result of the violations of 18 U.S.C. § 1343 in counts 1-5 of the superseding indictment.

7. Pursuant to Rule 32.2(c)(1), "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment."

IT IS THEREFORE ORDERED:

1. The defendant Eric Upchurch shall forfeit to the United States the sum of \$406,211.00, pursuant to 18 U.S.C. §§ 981(a)(1)(C), 982, and 28 U.S.C. § 2461(c).

2. The United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order; and

3. Pursuant to Rule 32.2(b)(4), this Order of forfeiture shall become final as to defendant at the time of his sentencing.

4. The United States may, at any time, move pursuant to Rule 32.2(e) to amend this Order of Forfeiture to substitute property having a value not to exceed \$406,211.00 to satisfy the money judgment in whole or in part.

DATED: 8/30/2024



WILLIAM M. CONLEY
United States District Judge